

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VINCENT PAUL YOUNG, JR., *et al.*,

Plaintiffs,

VS.

RODNEY D. VANNERSON, *et al.*,

Defendants.

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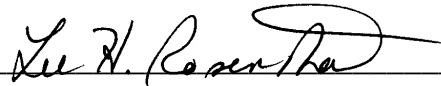
CIVIL ACTION NO. H-08-3649

ORDER

The plaintiffs moved for default judgment against the defendants. (Docket Entry No. 26). The plaintiffs argue that the defendants did not answer the declaratory judgment complaint, but instead moved to dismiss. This court denied the motion to dismiss on April 27, 2009, but the defendants did not file an answer within the allotted time. Counsel for the defendants explained to counsel for the plaintiffs that the delay was due to a lengthy out-of-town trial. That trial has concluded and the answer was filed on June 8, 2009.

The motion for default judgment is denied. There is no indication that the failure to file an answer earlier was the result of bad faith or intended to cause undue delay. The answer has now been filed and there is no indication of any prejudice to the plaintiffs.

SIGNED on June 16, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge